No. 89-299

Supreme Court, U.S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1989

CHARLES W. KEMPE, JR. and MICHAEL J. ARNOLD,
in their capacity as Joint Liquidators of
Mentor Insurance Limited,
Petitioners,

v.

OCEAN DRILLING & EXPLORATION COMPANY, *et al.*,
Respondents,

and

PINNACLE REINSURANCE COMPANY LIMITED,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

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RESPONDENTS' SUPPLEMENTAL BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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The issue in this case is whether the District Court properly dismissed petitioners' complaint in favor of Bermuda as the more appropriate forum.

On October 3, 1989, one week after respondents filed their Brief in Opposition to the Petition for a Writ of Certiorari, petitioners filed a 250-page writ in the Bermuda Supreme Court naming all but one of the respondents as defendants. The Bermuda writ repeats all of the claims made in the complaint filed in the case at bar, with the exception of petitioners' RICO claim. In addition, however, petitioners have made other claims which their Bermuda counsel has described as "much more extensive" than the claims made in the U.S. action. These additional claims include an attempt to hold respondents

liable for the entire deficiency in the Mentor estate under Bermuda's fraudulent trading statute, on the ground that respondents continued to operate Mentor after they allegedly knew that Mentor had no reasonable prospects of paying its debts.

As stated at the close of respondents' Brief in Opposition, it is time for petitioners to proceed with their claims in Bermuda. The petition for certiorari should be denied.

Respectfully submitted,

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